

**Assembly Bill No. 2479**

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Passed the Assembly August 29, 2008

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*Chief Clerk of the Assembly*

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Passed the Senate August 27, 2008

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend and repeal Section 111170 of the Health and Safety Code, relating to bottled water, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2479, Hancock. Bottled water: labeling requirements.

Existing law prescribes various quality and labeling standards for bottled water and vended water, including mineral water, and limits the levels of certain contaminants that may be contained in those water products. Violation of these provisions is a crime. Existing law requires the State Department of Public Health to perform various duties under these provisions.

Existing law requires, commencing January 1, 2009, each label on bottled water sold at retail or wholesale in this state in a beverage container to include the name and contact information for the bottler or brand owner, the source of the bottled water, and a statement that contains specified information, as provided. Existing law requires the statement to include the term “water quality information” appropriately, while informing customers about methods of gaining access to the full bottled water report.

This bill would, instead, require the statement to include the terms “water quality” and “information” appropriately, as provided. The bill would also make a technical change.

This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 111170 of the Health and Safety Code, as amended by Section 2 of Chapter 533 of the Statutes of 2000, is amended to read:

111170. (a) Labeling and advertising of bottled water and vended water shall conform with this section, Chapter 4 (commencing with Section 110290), and applicable portions of Part 101 of Title 21 of the Code of Federal Regulations.

(b) Each container of bottled water sold in this state, each water-vending machine, and each container provided by retail water facilities located in this state shall be clearly labeled in an easily readable format. Retail water facilities that do not provide labeled containers shall post, in a location readily visible to consumers, a sign conveying required label information.

(c) Water-vending machines, retail water facilities, and private water sources that sell water at retail shall display in a position clearly visible to customers the following information:

- (1) The name and address of the operator.
- (2) The fact that the water is obtained from an approved public water supply or licensed private water source.
- (3) A statement describing the treatment process used.
- (4) If no treatment process is utilized, a statement to that effect.
- (5) A telephone number that may be called for further information, service, or complaints.

(d) Bottled water may be labeled “drinking water,” notwithstanding the source or characteristics of the water, only if it is processed pursuant to the Food and Drug Administration Good Manufacturing Practices contained in Section 165.110 and Parts 110 and 129 of Title 21 of the Code of Federal Regulations, Sections 12235 to 12285, inclusive, of Title 17 of the California Code of Regulations, and any other requirements established by the department pursuant to Sections 111145, 111150, and 111155. Any vended water and any water from a retail water facility may be labeled “drinking water,” notwithstanding the source or characteristics of the water, only if it is processed pursuant to Article 10 (commencing with Section 114200) of Chapter 4 of Part 7 and any other requirements established by the department pursuant to Sections 111145, 111150, and 111155.

(e) This section shall remain in effect only until January 1, 2009, and as of that date is repealed.

SEC. 2. Section 111170 of the Health and Safety Code, as amended by Section 6 of Chapter 575 of the Statutes of 2007, is amended to read:

111170. (a) Labeling and advertising of bottled water and vended water shall conform with this section, Chapter 4 (commencing with Section 110290), and applicable portions of Part 101 of Title 21 of the Code of Federal Regulations.

(b) Each container of bottled water sold in this state, each water-vending machine, and each container provided by retail water facilities located in this state shall be clearly labeled in an easily readable format. Retail water facilities that do not provide labeled containers shall post, in a location readily visible to consumers, a sign conveying required label information.

(c) Water-vending machines, retail water facilities, and private water sources that sell water at retail shall display in a position clearly visible to customers the following information:

- (1) The name and address of the operator.
- (2) The fact that the water is obtained from an approved public water supply or licensed private water source.
- (3) A statement describing the treatment process used.
- (4) If no treatment process is utilized, a statement to that effect.
- (5) A toll-free telephone number or a local telephone number within the area code in which the machine is located that may be called for further information, service, or complaints, and the toll-free telephone number of the department's food and drug branch that may be called for complaints or questions.
- (6) A sign or label indicating the date on which the water-vending machine was last sanitized and serviced by the operator or maintenance personnel as required pursuant to paragraph (1) of subdivision (b) of Section 111115.
- (7) A notice to consumers listing the industry's recommendations for the type and condition of container suitable for use with the water-vending machine.
- (8) A valid decal or seal received from the department indicating that a license fee has been paid and a license issued for the water-vending machine as set forth in subdivision (d) of Section 111130.

(d) The information required pursuant to subdivision (c) shall be displayed in both English and Spanish.

(e) Bottled water may be labeled "drinking water," notwithstanding the source or characteristics of the water, only if it is processed pursuant to the Food and Drug Administration Good Manufacturing Practices contained in Section 165.110 and Parts 110 and 129 of Title 21 of the Code of Federal Regulations, Sections 12235 to 12285, inclusive, of Title 17 of the California Code of Regulations, and any other requirements established by the department pursuant to Sections 111145, 111150, and 111155.

Any vended water and any water from a retail water facility may be labeled “drinking water,” notwithstanding the source or characteristics of the water, only if it is processed pursuant to Article 10 (commencing with Section 114200) of Chapter 4 of Part 7 and any other requirements established by the department pursuant to Sections 111145, 111150, and 111155.

(f) Each container of bottled water sold at retail or wholesale in this state in a beverage container shall include on its label, or on an additional label affixed to the bottle, or on a package insert or attachment, all the following:

(1) The name and contact information for the bottler or brand owner.

(2) The source of the bottled water, in compliance with applicable state and federal regulations.

(3) A clear and conspicuous statement that informs consumers about how to access water quality information contained in the bottled water report required by Section 111071.

(A) The statement shall contain all of the following:

(i) It shall include the terms “water quality” and “information” appropriately, while informing customers about methods of gaining access to the full bottled water report.

(ii) It shall provide a telephone number, where information can be requested from the bottled water company and one other means of contact for the bottled water company, including, but not limited to, a mailing address, e-mail address, or the bottled water company’s Web site.

(B) The following statement may be used to fulfill the requirements of this paragraph:

“For more information and to obtain additional consumer information relating to water quality, including a bottled water report, contact [name of bottled water company] at [telephone number or toll-free telephone number] and [at least one of the following: mailing address, e-mail address, or the bottled water company’s Web site].”

(g) Bottlers that distribute bottled or vended water directly to consumers shall provide a statement on each billing statement that includes both of the following:

(1) A telephone number and mailing address of the bottler or brand owner.

(2) The means by which a consumer may obtain consumer information relating to water quality, including a bottled water report, as described in Section 111071.

(h) Amendments made to this section by SB 220 of the 2007–08 Regular Session shall only apply to bottled water that was bottled on or after January 1, 2009.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that technical and clarifying changes are made to bottled water labeling requirements at the earliest possible time, it is necessary that this act take effect immediately.



Approved \_\_\_\_\_, 2008

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*Governor*